

1969

INDEX OF MINUTES

PROVO RIVER DISTRIBUTION SYSTEM

Special Meeting - January 9, 1969

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MINUTES OF MEETING HELD

January 9, 1969

Pursuant to the Notice from the Office of the State Engineer, and to call by the Chairman, the Board of Directors of the Provo River Distribution System convened at 10:00 A.M. in Room 200 of the Utah County Court House, Provo, Utah.

Chairman Niels Andersen presided.

On roll call, the following were present:

J. Edwin Ure	Group 1	Karnas Valley canals
Sherman A. Giles	" 2	Upper Provo, East Haber Valley
Glen A. Wright	" 4	Provo River canals
Stanley H. Roberts	" 5	East Provo canals
Niels Andersen, Chairman	" 6	Provo Bench canals
John W. Gillman	" 7	Provo Reservoir Water Users Co.
Jack M. Gardner, Sec.-Treas.	" 8	Provo River Water Users Assn.
Ernest Knight	" 9	Upper Provo individual rights

Absent:

Floyd Bonner, Vice Chairman

Present from the State Engineer's Office were:

Donald C. Norseth, Distribution Engineer
Frank Reese, Business Manager
Bryce Montgomery, District Engineer

Also present were:

Hugh McKellar, Provo River Commissioner
Elmer J. Taylor, Utah Power and Light Company

Mr. Norseth opened the meeting, introducing the members of the State Engineer's Office, Mr. Reese and Mr. Montgomery, and advised of the purpose of the meeting: to review the Financial Report for 1968 and hear the 1968 Commissioner's Report, to establish a budget for the year 1969, and receive the recommendations for the appointment of the Commissioner for the year beginning in April of 1969. He advised that the District Acting Engineer in the Utah County is Bryce Montgomery and that any questions relating to water applications and water rights should be discussed with Mr. Montgomery. Mr. Norseth then gave a brief run-down on the water supply outlook for the 1969 water year, noting that stations at Hailstone, Deer Creek, and American Fork were at 112 percent, 111 percent, and 110 percent, respectively, and the January-September runoff forecast was 90-100 percent. Mr. Norseth then turned the meeting over to Chairman Andersen.

CORRECTIONS, ADOPTION OF MINUTES OF SPECIAL MEETING, JANUARY 11, 1968:

At the request of the Chairman, Secretary Gardner read the Minutes of the Special Meeting of the Directors of January 11, 1968. There being no corrections offered, whereupon Director Giles moved that the Minutes be accepted, and seconded

by Director Use. The Minutes were adopted by all present voting "aye".

NOTIFICATION OF BOARD MEMBERS AND OFFICERS:

Chairman Andersen then advised the State Engineer that the Board of Directors and the Officers of the Frovo River Distribution System remained the same as for the prior year of 1968.

FINANCIAL REPORT OF 1968 OPERATIONS:

Mr. Reese then gave his Financial Report on the 1968 operations. He offered the following statement of fineness, balances, receipts, and expenditures:

1968 Budget Item No.	Description of Budget Item:	Amount Approved for 1968	Total 1968 Expenditures
1.	Commissioner's Salary (Wayman)	\$ 1,590.00	\$ 1,590.00
1-C	Matching Social Security Tax	69.96	69.96
1-F	Matching State Retirement	63.60	63.60
1.	Commissioner's Salary (McKellar)	4,275.00	4,275.00
1-C	Matching Social Security Tax	188.10	188.10
1-F	Matching State Retirement	171.00	171.00
2.	Deputy Commissioner's Salary	4,800.00	4,800.00
2-C	Matching Social Security Tax	211.20	211.20
2-F	Matching State Retirement	192.00	192.00
3.	Commissioner's Office Rent	180.00	190.00 ^{1/}
4.	Travel Expense	2,000.00	
4-A	Commissioner's Travel Expense		380.36 ^{2/}
4-B	Deputy Commissioner's Travel Expense		768.84
5.	Field Equipment and Supplies	50.00	5.18
6.	Office Equipment and Supplies	150.00	184.86 ^{3/}
7.	Commissioner's Annual Report (1967)	125.00	95.00
8.	Telephone Expense	225.00	
8-A	Commissioner's Telephone Expense		59.37 ^{4/}
8-B	Deputy Commissioner's Tele. Expense		31.18
8-B	Committee Expenses	500.00	329.80

1968 Budget Item No.	Description of Budget Item:	Amount Approved for 1968	Total 1968 Expenditures
10.	Bonds and Insurance Premiums	\$ 100.00	\$ 76.14
11.	Miscellaneous Expenses	49.14	
12.	Contractual Services (see 1968 minutes)	1,060.00	923.04 ^{5/}
13.	Bank Reserves		75.00 ^{6/}
TOTAL 1968 BUDGET		\$ 16,000.00	\$ 14,679.63
TOTAL 1968 ASSEM'T		\$ 16,000.00	

1/ \$10.00 paid for office rent for Wallace R. Wayman while on contractual services.

2/ \$246.06 for Commissioner McKellar
\$134.30 for Commissioner Wayman

3/ Over-expended in accordance with Resolution #84, 1968 Annual Meeting Minutes: Permission to Exceed Budget Items by \$100.00

4/ \$31.02 for Commissioner McKellar
\$28.35 for Commissioner Wayman

5/ \$593.04 for Midway bridge repair
\$300.00 for Commissioner McKellar Trainee
\$ 30.00 for May Contractual Services of Commissioner Wayman

6/ For purchase of gasoline pump from Isaac Baum by Deputy Commissioner Giles for recording station maintenance on Provo River, approved and recommended by Commissioner McKellar.

DELINQUENT ACCOUNTS DISCUSSED:

Mr. Reese read the list of delinquent accounts, totaling \$194.59, and noted that account No. 141, Ellsworth Gines, in the amount of \$43.35, was now ten years in arrears and advised that this account should be turned over to the Attorney General for election as to collection procedure. Director Giles discussed account No. 170 and advised that he had contacted Kenneth M. Williams and that Mr. Williams was not aware of what this was about and that Mr. Petersen should be contacted for collection of this account. Mr. Knight advised that accounts, Nos. 159 and 178, Mrs. Frank Face, should be consolidated. Commissioner McKellar advised that the land irrigated under account, No. 62, was being subdivided, that this right may be sold, also, that the owner of account, No. 48, should be contacted to establish its status. Mr. Norseth advised that he would contact the owners of these two accounts to determine their status. After further discussion, it was generally agreed that some action should be taken in respect to collection of the Gines account and that the State Engineer should turn the matter over to the Attorney General.

COMMISSIONERS REPORT:

Commissioner McKellar reported that the 1968 water year was a good water year, that there was secondary water available in the Provo Division all year; Deer Creek Reservoir filled on the 29th of May and that about 6,500 acre feet free water was delivered to stockholders this year to make available some space in the Reservoir for high runoff storage this spring; lakes at the head of the river filled to capacity; 422 acre feet of Echo storage project water was brought over for the Extension Irrigation Company and Provo Reservoir Water Users Company through the Weber-Provo Diversion Canal; 23,100 acre feet of Weber River water was diverted through the Weber-Provo Diversion Canal; and 12,261 acre feet was brought through the Duchesne Tunnel for storage in Deer Creek Reservoir. Commissioner McKellar advised that the Midway Bridge weir had been repaired by the Provo River Water Users Association at a cost of approximately \$600.00, that the rebuilt weir was now better than new and very well constructed. Commissioner McKellar advised that the Distribution System had purchased two Stevens Recorders, one to be installed at South Fork and one at Vivian Park, Utah. Provo City was going to install these recorders and also a meter in Provo Canyon.

Commissioner McKellar complimented Deputy Commissioner Giles on his efficient handling of the Upper Provo Distribution.

Chairman Andersen inquired of Commissioner McKellar if all the Commission records had been turned over to him. Commissioner McKellar said that they had and stated that he found that many could be disposed of. Commissioner Roberts suggested that they be given to the college library for historical value. Commissioner McKellar stated that previous Commissioner Wayman had asked to purchase the adding machine which he still has, that he (Mr. McKellar) has his own which is a newer and better machine, the other machine being of little value, as it is an old machine; whereupon Director Giles expressed his appreciation of having the opportunity to work with Commissioner McKellar and he also appreciated the fine cooperation given by the Area Engineer, Bryce Montgomery, and the other members of the State Engineer's office that he had worked with during the year. Chairman Andersen voiced his agreement to this; whereupon, Director Ure motioned to accept the Commissioner's Report, and was seconded by Director Roberts, and adopted unanimously.

BUDGET AND ASSESSMENT, 1969:

Chairman Andersen noted that the next order of business was the establishing of a budget and assessment for 1969, and that at the annual meeting, held the day before, a recommended budget and assessment had been approved. He asked Secretary Gardner to present the budget and assessment. Secretary Gardner read the recommended budget and noted that the Commissioner's salary, Item 1, had been increased from \$5,700.00 per year to \$6,360.00, the same as for the prior commissioner at the time of his retirement. The Deputy Commissioner's salary was increased from \$4,800.00 to \$5,040.00, which represented a five percent increase in cost of living index, that the matching Social Security, Item 1c and 2c, was increased from 4.4 percent to 4.8 percent, that the Item 4 of travel expense was reduced from \$2,000.00 to \$1,500.00, as the last year's travel expense amounted to a little over \$1,100.00; and noted other minor changes in the budget, the fiscal recommended budget being \$15,150.00. Secretary Gardner noted that the 1969 assessment had been recommended to be set at \$13,700.00, the same as for the years 1966 and 1967, and the overdraft of about \$1,450.00, depending on actual expenditures, to be drawn from the Reserve Fund of \$7,163.22, as of December 31, 1968. Mr. Reese advised that the State Engineer accepts the budget; whereupon Director Wright moved adoption of the following resolution:

(91) RESOLVED That the budget and assessment for 1969 be set at \$15,150.00 and \$13,700.00, respectively, and each item of the budget as recommended be accepted and approved.

Motion was seconded by Director Knight, and accepted unanimously.

1969
Budget

<u>Item No.</u>	<u>Description of Budget Item</u>	<u>Amount Approved</u>
1	Commissioner's Salary - \$530/month	\$ 6,360.00
1-C	Matching Social Security @ 4.8%	305.28
1-F	Matching State Retirement @ 4%	254.40
2	Deputy Commissioner's Salary	5,040.00
2-C	River System's Matching Social Security	241.92
2-F	River System's Matching State Retirement	201.60
3	Commissioner's Office Rent Expense	180.00
4	Travel Expense	1,500.00
4-A	Commissioner's Travel Expense (10¢ mile)	
4-B	Deputy Commissioner's Travel Expense (15¢ mile)	
5	Field Equipment & Supplies	50.00
6	Office Equipment & Supplies	200.00
7	Commissioner's Annual Report	125.00
8	Telephone Expense	150.00
8-A	Commissioner's Telephone Expense	
8-B	Deputy Commissioner's Telephone Expense	
9	Committee Expenses	400.00
10	Bonds and Insurance Premiums	100.00
11	Miscellaneous Expenses	41.80
	Total 1969 Budget	\$ 15,150.00
	*Total 1969 Assessment	13,700.00

*Assessment re-established to that set for the years 1966 and 1967 in the amount of \$13,700.00 and the overdraft of about \$1,450.00, depending on actual expenditures to be drawn from the reserve fund as of December 31, 1968, \$7,163.22.

PERMISSION TO INCURE BY ANY ITEM BY \$100.00 ON A PERMANENT BASIS:

Mr. Pease stated that last year the Board approved the expenditure of any budget item by the amount of \$100.00 before it was necessary to get permission from the River System and questioned whether this was intended to be on a yearly basis or a permanent basis. After due discussion, Director Knight moved adoption of the following resolution:

(92) RESOLVED That the authorization be given by the State Engineer's office to make an expenditure in excess of any budget item to the extent of \$100.00 and that it be made permanent and not on a yearly basis and until such authority is revoked by the Provo River Distribution System Board by proper resolution.

The motion was seconded by Director Giles, and carried unanimously.

STATE ENGINEER ADVISED OF RECOMMENDATION OF COMMISSIONER AND DEPUTY COMMISSIONER:

Chairman Anderson stated that at the annual meeting held the day before, and by proper resolution, Hugh McKellar was recommended for Provo River Water Commissioner and that Sherman Giles was recommended for Deputy Commissioner; whereupon, Mr. Norseth advised that he accepted the nominations and felt confident that the State Engineer would make the appointments as recommended and he expressed his appreciation to them for their excellent work in distribution of the Provo River water during 1968.

SPRING CREEK - LAKE BOTTOM CANAL CONSOLIDATION:

The distribution problem with the Spring Creek - Lake Bottom Canals was discussed and it was brought out that the Lake Bottom Canal Company, with class "A" rights to 14.95 C.F.S. - 9.57, and the Spring Creek users, with class "A" right of 7.195 - 5.138 C.F.S., have a common diversion point. The Spring Creek users are at the upper reach of the canal and the Lake Bottom users are on the lower reach. The Lake Bottom has a watermaster to regulate its water, while the Spring Creek does not. The Spring Creek users cause fluctuation in the flow to Lake Bottom users. Commissioner McKellar recommended a consolidation of these rights and distributions by one watermaster.

DISCUSSION BY MR. MONTGOMERY, AREA ENGINEER:

Mr. Montgomery stated that the policy of the State Engineer's office in respect to wells and underground water diversions in Utah County was the same as reported last year, that only appropriations from drains that drained free water surface acres were approved in Utah County and only .015 C.F.S. applications were approved for wells in South Utah County, that it is now intended to set 1970 as the cut-off date when all applications will have to be perfected in the South Utah County district. Mr. Montgomery further advised that Utah County's flowing wells were being investigated and it is found that there are a great number of old flowing wells that are not being used that are not controlled and are depleting the underground basin and will either have to be plugged or controlled. One problem that still exists is when plugging old casings that these flowing wells continue to release water into the shallow ground water table through the rusted out casings. Mr. Montgomery further noted that an underground water appropriation study is being made in Heber and Kamas valleys and is nearly complete, that the data compiled in these studies will likely change the State Engineer's policy regarding underground appropriation in these areas.

DISCUSSION BY MR. NORSETH:

Mr. Norseth stated that there have been logged some 800 flowing wells South of Ironton Bay, that many of the owners of these wells have requested the State Engineer's office that they be plugged; that the Salt Lake Valley portion of the Utah Lake and Jordan River adjudication, including the well inventory, should be completed by the end of this summer. When this is complete the adjudication will move into Utah Valley. The mapping in South Fork is complete and the water users claims are prepared, that the problems are with the DeLong, Conrad, Frombrack, and Girl Scout Camp water rights. It is hoped, however, that distribution can be achieved by distributing under the present adjudication and claims, as far as it has progressed; that if court action is required, it will involve the entire system, including the Provo River decree, 2388. Director Wright advised that Conrads are intending to sell out and the new owner has contacted Provo City to purchase these rights. Also, the City is considering purchasing the DeLong right.

HEAD OF RIVER STORAGE RESERVOIRS - REHABILITATION PROBLEMS:

Director Wright stated that the Forest Service had restricted the storage in Lost Lake Reservoir, in which the City has a right, to 100 acre feet less than capacity, due to needed repairs to dam and spillway. Director Wright asked that the City be permitted to bring this 100 acre feet out early, or, rather than store, to run this water on through the reservoir. Director Gardner advised that unless there was concurrent storage and use as part of this right, that an exchange application should be filed, that many of the storage rights stand until July 1, and could release but not store thereafter. Also, if there was surplus water above all rights on the Provo, even under an exchange application, no credit could be given for this exchange. Mr. Montgomery advised that he had examined the head of the river rights and had graphed the use and storage periods. This right did have the month of June as concurrent storage and use.

Mr. Norseth stated that the reservoirs do need repairs and that the Forest Service is going to ask repair of head of river reservoirs. Although it has not yet given any specifics as to what these repairs are to be, possibly the Reservoir Company should recommend what is needed in this respect. Director Gillman advised that he had the understanding that Central Utah Project was to take over these reservoirs for recreational purposes.

RETIRED COMMISSIONER CONTRACTURAL SERVICES PAYMENTS:

Chairman Andersen advised that at the annual meeting yesterday, the Board had discussed the \$90.00 voucher submitted for payment by Mr. Wayman and a letter for \$250.00 requesting payment for contractual services. That of the amount requested, the Board had generally agreed to the payment of \$50.00 of the \$90.00 voucher for the time that he had actually spent acquainting Commissioner McKellar with the distribution of the Provo River, but any formal action was deferred until the matter could be discussed with the State Engineer's office. Mr. Norseth advised that the Board pass a motion to this effect and have Commissioner McKellar authorize only \$50.00 of the voucher. Whereupon, Director Giles moved adoption of the following resolution:

(93) RESOLVED That of the \$90.00 voucher and the \$250.00 letter request for payment to Mr. Wayman for contractual services, that \$50.00 of the \$90.00 voucher request be authorized for payment, Commissioner McKellar to sign the voucher. The motion was seconded by Director Roberts, and carried unanimously.

DISCUSSION BY FRANK REESE OF STATE ACTIONS RELATING TO RIVER SYSTEM'S FUNDS:

Mr. Reese advised the Board that the State Treasurer and Auditor want to have the Distribution Systems pay for the salary of Mr. Paxton, one of his assistants. The Attorney General has not given an opinion on this matter yet, but that it would mean a \$1,328.00 increase (pro-rated share) in the cost to the Provo River Distribution System. That if this were the opinion of the Attorney General, it would go into effect in July.

Also, that there was some talk of transferring the reserve funds held in trust by the State Engineer into the general fund of the State.

ADJOURNMENT:

Chairman Andersen expressed the appreciation of the Board to Mr. Reese for bringing these items to the attention of the Board and for the cooperation it had received from the State Engineer's office in the past. Director Wright thereupon moved adjournment. Meeting adjourned at 12:10 P. M.

Jack M. Gardner, Secretary